

A downward departure may be appropriate if the defendant (1) has completed serving a term of imprisonment; and (2) subsection (b) of § 5G1.3 (Imposition of a Sentence on a Defendant Subject to Undischarged Term of Imprisonment or Anticipated Term of Imprisonment) would have provided an adjustment had that completed term of imprisonment been undischarged at the time of sentencing for the instant offense. Any such departure should be fashioned to achieve a reasonable punishment for the instant offense.

If . . . and a term of imprisonment resulted from another offense that is relevant conduct to the instant offense of conviction under the provisions of subsections (a)(1), (a)(2), or (a)(3) of § 1B1.3 (Relevant Conduct), the sentence for the instant offense shall be imposed as follows:

- (1) the court shall adjust the sentence for any period of imprisonment already served on the undischarged term of imprisonment if the court determines that such period of imprisonment will not be credited to the federal sentence by the Bureau of Prisons[.]

Because Mr. Paris has completed serving a term of imprisonment for conduct that is relevant conduct to the instant offense, and, had that sentence been undischarged at the time of sentencing, it would have been adjusted per the terms of § 5G1.3(b), he is entitled to a downward departure pursuant to § 5K2.23.

5. The PSR noted that these were circumstances in which “the Court may wish to consider” this departure for a sentence outside of the applicable advisory guideline range.” (PSR ¶ 138.)
6. The interests of justice require the granting of this motion.

Respectfully submitted,

RAEKWON PARIS

By his attorney,

/s/ Inga S. Bernstein

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document, filed through the ECF system this day, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Inga S. Bernstein